

# DAWSON STATE JAIL | THE CASE FOR CLOSURE

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During the 83rd Legislative Session, lawmakers will have to choose between terminating private state jail contracts for facilities we do not need, or providing adequately for our children's health and education. The choice is simple.

In recent years, states facing similar choices have downsized or closed prisons. Since 2011, 17 states have closed 28,000 beds. These states continue to see crime rates decline. Nationally, violent crime has declined by more than 20% from 2000 to 2010 while property crime declined by more than 18% during the same period. The ability of state lawmakers to close prisons is due to a decline in state prison populations, with changes in policy and practice having contributed to these declines. From 2004 through 2009, at least 36 states enacted policy and administrative reforms that ranged from codifying graduated sanctions for parole violators to relaxing mandatory minimum sentences. Modifications in administrative practice also contribute to reducing state prison populations. In recent years, state officials looking to manage correctional populations have increased parole release rates and scaled back returns to prison for parole violations<sup>i</sup>.

The adoption of new policies and practices may have contributed to the stabilization of Texas' prison population and may have accounted for a modest decline. The state jail population declined by 15 percent from 2007 to 2012, while the overall state prison population declined by 0.2%. Violent crime declined in Texas by nearly 12% from 2007 to 2010, while property crime declined by more than 8% during the same period. Due to excess capacity, Texas officials announced closure of the Central Unit in Sugarland in 2011, and expect to finally close the prison in July of 2013<sup>ii</sup>. Additional opportunities for closure may be available in 2013 with declines in the state prison population.

## Overview of Texas State Jail System

The Texas Department of Criminal Justice (TDCJ) owns and operates 15 state jails and contracts with private companies to manage five state jail facilities, including the Dawson State Jail. During 2012, these prison facilities received 23,226 individuals with state jail felonies. Of the persons admitted to state jails last year, 35% were incarcerated for a nonviolent drug offense while 49% were sentenced for a low level property offense<sup>iii</sup>.

The creation of the Texas State Jail System expanded TDCJ prison capacity with the express purpose of incarcerating people convicted of state jail felonies as determined by the Penal Code<sup>iv</sup>. State jails also imprison people awaiting transfer to prisons in the TDCJ Institutional Division. State jails are managed by TDCJ officials and house people convicted of low-level larceny and drug offenses. The original intent behind these prison facilities was to expand in-prison treatment and work programs for nonviolent offenders<sup>v</sup>. According to the Texas Public Policy Foundation (TPPF), the rehabilitation focus has largely disappeared, and

was perhaps never fully implemented. In 2003, state jail rehabilitation programs were terminated due to “funding constraints.”<sup>vi</sup>

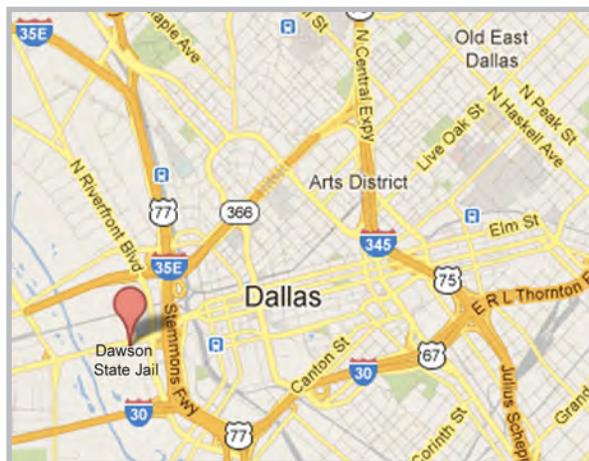
TPPF also reported that 99.7 percent of persons with state jail offenses are directly sentenced to a term of 6 to 24 months in a state jail facility. According to reports, state jails cost substantially less than prison facilities at a cost of \$30.73 per day compared with \$44.12 to \$49.56 per day for prisons. Dawson is among five privately run state jails and average costs to incarcerate persons in these facilities were projected at \$29.69 per day. Costs for private jails, however, do not include health care or fixed costs associated with overall operation and TPPF acknowledges that, for state jails, “the cost savings once thought possible are barely realized, if any still exist.”<sup>vii</sup>

The cost to incarcerate prisoners at Dawson State Jail is estimated at \$24 million per year. In 2011, TDCJ officials estimated that closing Central Unit could save as much as \$25 million a year, mostly in fixed costs such as staffing and utilities.

## Dawson State Jail

The Dawson State Jail (DSJ) is a privately operated prison<sup>viii</sup> located in downtown Dallas. The state jail is operated by the Corrections Corporation of America (CCA). DSJ was opened in 1997 as a part of Texas’ state jail system. State lawmakers expanded prison capacity through the state jail system beginning in 1993. During the 73rd Legislature, officials established a new felony classification called state jail felonies that consisted of convictions for low level offenses including drug and property crimes. Individuals convicted of state jail felonies are incarcerated at prison facilities with a state jail classification.

The prison is a co-gender facility that has a capacity of over 2,200 beds; nearly 1,400 women and over 800 men were incarcerated in the DSJ in 2011<sup>ix</sup>. Dawson incarcerates prisoners from 141 counties in Texas. As



Location of Dawson State Jail in Dallas, Texas



of November 2012, the counties with the highest number of persons sentenced to Dawson were Tarrant (399), Dallas (377), McLennan (101), Smith (93), Harris (65) and Grayson (65)<sup>x</sup>.

#### *Accountability at the Dawson State Jail*

In recent years there have been reports of horrible conditions involving medical care and inadequate staffing levels. According to reports by CBS News DFW, DSJ has experienced seven deaths since 2004<sup>xi</sup>. Since 2010 these deaths include 30-year old Ashleigh Shae Parks, 45 year-old Pam Weatherby, 50 year-old Shebaa Green, and four day old Gracie Miller, born to her incarcerated mother, Autumn, in a toilet with no medical personnel present. In working to address concerns over conditions, the private services at Dawson raise issues of accountability. Specifically, in response to the provision of medical care CCA officials informed the media that health care services are provided by the University of Texas Medical Branch under contract with TDCJ. However, the state's prison agency is obligated to regulate the private prisons with which it contracts. CCA is required to make sure prisoners at Dawson can access the case UTMB provides – the issue in many of the deaths at Dawson.

#### *Deaths at the Dawson State Jail*

- Investigative reports in 2012 determined that a premature baby, Gracie Miller, died four days after being born at the Dawson State Jail. According to records, no medically trained personnel were in attendance during the child's birth. The finding was determined to be in compliance with state regulations<sup>xii</sup>.
- State records show that Shebaa Green (50), an inmate incarcerated at Dawson, "complained of having trouble breathing." She was examined three hours after being transferred to a medical unit where she was diagnosed with double breathing. Ms. Green died in August 2012; her official cause of death was complications due to pneumonia<sup>xiii</sup>.
- Internal CCA documents that show the chief of security, at the time of 45 year-old inmate Pam Weatherby's death, reported that [DSJ] supervisors "did not follow proper procedures, in that they did not call a medical professional and advise them of the offender vomiting, prior to the medical staff arriving on the faculty at 0500 hours." The supervisor recommended "termination" for the shift supervisor on July 15, 2010<sup>xiv</sup>.

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### ***Reductions in State Jail Population***

Changes in state policy may have contributed to population reductions at state jail facilities. According to records from the TDCJ, the state jail population has declined by 15 percent from 2007 to 2012 from over 13,800 individuals to just over 11,700 in 2012. The number of persons incarcerated for low level drug offenses declined by 29.5% from 2007 through 2012, while persons convicted of nonviolent property offenses decreased by 4% during that period. Courts can require persons convicted of state jail felonies to serve up to two years as a direct sentence or as a revocation from community supervision. Persons with state jail felonies can serve "up front time" of up to 180 days (1 year for manufacture/delivery of a controlled substance) in state jail before serving community supervision<sup>xv</sup>. Individuals can be sentenced up to five years on a community supervision sentence; courts are authorized to extend the probation sentence for an additional five years. Policy changes that may have resulted in population declines include a 2011 reform that authorized persons sentenced to state jail to earn up to 20 percent of their term in good time by completing treatment, vocational, or educational programs<sup>xvi</sup>. Other changes include courts decreasing their use of up front sentences prior to the start of community supervision and decreasing admissions for probation revocations.

## Opportunities Created by Excess Capacity

Lawmakers should consider opportunities created by terminating the Dawson State Jail contract. The closure of prisons, including Texas' Central Unit Facility in 2011, has created prospects for economic development and the repurposing of prison facilities in an effort to strengthen communities.

In New York, lawmakers have worked to repurpose closed prisons for other uses. New York Governor Andrew Cuomo stated in his 2011 address to the state Legislature that "an incarceration program is not an employment program."<sup>xviii</sup> That same year, New York closed seven

of 67 correctional facilities, taking 3,800 beds off line. During 2012, discussions were underway to use some of the closed facilities for new retail development, wildlife sanctuary, and manufacturing facilities.

When prison operations at the Texas' Central Unit are completely terminated, the General Land Office will move to sell the shuttered facility. During 2011, local officials suggested the 326 acres where the 102-year-old state prison Central Unit stands could be turned into an industrial and business park to increase tax revenue<sup>xviii</sup>. Dawson is located on prime real estate in downtown Dallas – the State could expect a similar return on selling the land.

## Recommendations

Texas is among several states that have closed prisons in recent years without compromising public safety. Other states include Kentucky, Florida, North Carolina, and Louisiana. Policymakers have an opportunity to continue to move Texas in the right direction by terminating the contract for the Dawson State Jail.

Texas lawmakers will make hard decisions related to criminal justice policy in 2013. Closing the Dawson State Jail offers an opening to adopt strategies that emphasize opportunity instead of punishment as a guiding theme in public safety. Even prior to the fiscal crisis, Texas lawmakers and correctional officials had become increasingly interested in evidence-based policies targeted at effective public safety outcomes. Consensus among elected officials, practitioners, and the community has created a political environment that prioritizes in-prison treatment, the implementation

of graduated sanction for people on probation and parole who violate conditions of supervision, and the enhancement of reentry strategies.

### To further these objectives, we recommend:

1. The Texas Department of Criminal Justice should not renew its contract with Corrections Corporation of America for the Dawson State Jail when the facility's contract is up for renewal on August 31st, 2013.
2. State appropriators should zero out funding for the Dawson State Jail, and sell the property. This step would save the state money in contracting costs and could provide revenue for other pressing criminal justice needs.
3. Rather than prioritize incarceration for state jail felonies, the state should use a more robust form of community supervision for those convicted of state jail felonies to further reduce the state jail population.

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